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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,143	02/28/2002	David Engel	87335.3461	5066

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EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,143

Applicant(s)

ENGEL, DAVID

Examiner

Kenn Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kocsuta, U.S. 2,950,132.

Regarding claim 1, Kocsuta discloses in figures 1-9 a retaining ring (6) movable between an uncompressed and compressed state. Kocsuta discloses a generally C-shaped region (fig 3) having an inner peripheral surface and an outer peripheral surface. Kocsuta discloses a first end (left 22) and a second end (right 22). Kocsuta discloses the retaining ring is formed from a yieldable material that yields when moved from the uncompressed state to the compressed state (col. 2, lines 27-37).

As to claims 2 and 3, Kocsuta discloses a first leg (left 22a, 23) extending from the first end and a second leg (right , 22a, 23) extending from the second leg.

As to claim 4, Kocsuta discloses the C-shaped portion is circular in shape.

As to claim 5, Kocsuta discloses the legs having a respective termination portion (22,23).

As to claim 6, Kocsuta discloses the termination portion of the first and second leg have a tool receiving region (23).

As to claim 7, Kocsuta discloses the tool receiving region is a hole (fig 3).

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As to claims 8, 9, 15, 16, 19 and 20, Kocsuta discloses the ring is constructed from ductile material and is non-hardened stainless steel. Applicant should note that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

As to claims 10 and 11, Kocsuta discloses four fingers projecting from the inner peripheral surface (fig 8).

As to claim 12, Kocsuta discloses the first and second legs are substantially straight and point toward each other in the uncompressed state (fig 8, faces 22).

As to claim 13, Kocsuta discloses the C-shaped region is an arc that encompasses 270 degrees (fig 3).

As to claim 14 and 17, Kocsuta discloses twisting the retaining ring in a first direction using a tool, reducing the diameter of the ring and causing the ring to yield into a compressed state (col. 2, lines 3-7). Kocsuta discloses twisting the retaining ring in a second opposite direction to the first direction using the tool, increasing the diameter of the ring and causing the ring to yield into an uncompressed state (col. 2, lines 30-37).

As to claim 18, Kocsuta discloses moving the ring from a first uncompressed state to a second compressed state by rotating a tool engaged with opposed legs of the ring (col. 2, lines 3-7). Kocsuta discloses aligning the ring with a groove (11) in the housing (3). Kocsuta discloses moving the ring from the second compressed state into the first uncompressed state by rotating the tool engaged with the legs of the ring (col. 2, lines 30-37). Kocsuta discloses moving the ring from the first state to the second state causes the ring to yield and the moving the ring from second state to the first state also causes the material to yield.

As to claim 21, Kocsuta discloses a generally C-shaped region having an inner peripheral surface ((fig 3, 6 at 20), an outer peripheral surface (28), a first leg (left 22, 22a, 23) and a second leg (right 22,22a,23). Kocsuta discloses the retaining ring being formed from a yieldable material that yields when moved from the uncompressed state to the compressed state. Kocsuta discloses the first and second leg extending from the first and second end and having a first and second tool receiving means (23) for receiving a tool.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Summerbell, U.S. 2,402,693 discloses similar legs. Eickmann, U.S. 4,242,775 discloses a similar retaining ring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications and 703 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-2168.

KT
February 13, 2003


Lynne H. Browne
Supervisory Patent Examiner
Group 3600